IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO. 344 OF 2006

IN

CRIMINAL REVISION APPLICATION NO. 39 OF 2005

MR. GABRIEL PETER D'SOUZA, TIVIM, BARDEZ GOA. ....Applicant

Versus

MRS. CIRILA ROSA MARIA PINTO,SALVADOR DO MUNDO, BARDEZ GOA. ....Respondent

Mr. D Pangam, Advocate for the Applicant.

Coram:- N. A. BRITTO, J.

Date:- 7th October, 2006

P.C.

Heard Shri Pangam, the learned Counsel on behalf of the applicant-accused.

2. Learned Advocate submits that the Counsel of the Complainant Shri Diniz is unavailable. He further submits that the learned J.M.F.C. has already issued a N.B.W against the accused with a view to secure his presence to undergo the sentence. Shri Pangam submits that the applicant-accused will positively appear before the learned J.M.F.C. to undergo the sentence imposed upon him though the accused has already deposited in Court the compensation which was payable to the Complainant. Learned Advocate further submits that although the operative part of the Order of this Court was ready on 27.09.2006, he had applied for it on the next date and was asked to take delivery on 05.10.2006, and on that count, there was a delay in obtaining the copy and

producing it before the trial Court.

3. In the light of facts explained by Advocate Shri Pangam, N.B.W, if any, issued by the learned J.M.F.C., shall stand cancelled on the undertaking given by the accused, who is present in Court, that he will appear before the learned J.M.F.C. on 9th instant at 10.00 a.m. to undergo the sentence imposed.

4. The petition stands disposed of. Parties to act on authenticated copy.

N. A. BRITTO, J.

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